

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



January 10, 2001

ALL-COUNTY INFORMATION NOTICE NO. I-05-01

TO: ALL COUNTY WELFARE DIRECTORS

REASON FOR THIS TRANSMITTAL

- ☐ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order or Settlement Agreement
- ☒ Clarification Requested by One or More Counties
- ☐ Initiated by CDSS

SUBJECT: REVISIONS IN THE DISABILITY EVALUATION PROCEDURES FOR PERSONS AGE 65 AND OLDER IN THE SUPPLEMENTAL SECURITY INCOME/STATE SUPPLEMENTARY PAYMENT (SSI/SSP) PROGRAM

REFERENCE: All-County Letter 99-106.

The purpose of this All-County Information Notice (ACIN) is to notify you of a revision in the disability evaluation procedures for persons age 65 or older implemented by the Social Security Administration (SSA) during the summer of 1999, and to remind counties of their responsibility to refer CAPI recipients and applicants who appear eligible to file an SSI/SSP application.

BACKGROUND

The Balanced Budget Act of 1997 (P.L. 104-193) added criteria under which certain immigrants could become eligible for SSI/SSP if they:

- Are “qualified aliens” who were lawfully residing in the United States on August 22, 1996, and
- Are determined disabled or blind as defined for SSI/SSP eligibility purposes.

Immigrants can establish SSI/SSP eligibility based on disability or blindness at any age, even on or after attaining age 65. Prior to this law change, SSA very rarely, if ever, had to make a disability determination for a person age 65 or older.

SSA issued a Social Security Ruling (SSR 99-3p) on June 22, 1999 entitled “Title XVI: Evaluation of Disability and Blindness in Initial Claims for Individuals Age 65 or Older”. (This ruling is also re-printed in Section DI 25015.025 of SSA’s Programs Operations Manual System [POMS]).

PURPOSE OF THE REVISION

The actual revisions are very technical in nature and are intended to be used by the state agencies responsible for making disability and blindness determinations on behalf of SSA. The following clarifications are included in the ruling:

- Adjudicators must consider any impairment(s) the individual has, including those that are often found in older individuals.
- If an individual age 72 or older has a medically determinable impairment, that impairment will be considered to be “severe” for purposes of the disability determination process.
- Beginning at age 65, a person’s age and/or inability to communicate in English may be considered factors in determining a person’s vocational adaptability for certain types of work.

These clarifications mean that SSA is more likely to determine a person age 72 or older is disabled if the person has some type of medical impairment. They also increase the number of circumstances under which an immigrant age 65 to 72 can be determined to be disabled. Nevertheless, the transition of CAPI recipients to SSI/SSP based on this ruling has not been as high as was originally anticipated. Therefore, we are reminding counties of their responsibilities under current regulations to require individuals to apply for SSI/SSP when appropriate.

COUNTY RESPONSIBILITIES

CAPI regulations (MPP 49-045.12) require counties to refer to SSA any CAPI applicant or recipient who they believe to be eligible for SSI/SSP, regardless of any previous determinations by SSA. All-County Letter (ACL) 99-106 instructs counties to make such referrals as part of the redetermination procedure when a recipient indicates a health problem on the redetermination form. However, counties must also require the affected immigrant to file a formal application when he or she alleges a health problem during the initial interview or during any subsequent contacts.

Because the disability criteria for persons age 65 and older has been broadened, counties need to ensure that all affected immigrants (those in Aid Code 1A) who indicate having a physical or mental health problem file an application for SSI/SSP. Counties must also require referred individuals to obtain a formal decision from SSA on these applications. Counties must obtain, either from the referred individual or SSA, both the verification that the application has been filed and the decision on that application. A recipient’s CAPI benefits must be suspended, in accordance with CAPI regulation MPP 49-060.1(b), if the recipient fails to provide proof of application for SSI/SSP or fails to take all necessary steps to obtain SSI/SSP.

As a reminder, counties must forward an Interim Assistance Reimbursement (IAR) agreement (page 2 of Supplemental Application form SOC 451) to SSA any time an SSI/SSP application is filed. If more than a year has elapsed since the initial application, the individual has to sign a new IAR agreement. The referral to SSA must specify that a formal application is needed and should also indicate that the individual has alleged having a health problem. CAPI regulations (MPP 49-045.13) also require that any person who is denied SSI/SSP because he or she is found "not disabled" be referred to request an appeal of that decision.

Any questions regarding this notice should be directed to your Cash Assistance Programs Unit Analyst at (916) 229-4000.

Sincerely,

*Original Signed By
Donna L. Mandelstam on 1/10/01*

DONNA L. MANDELSTAM
Deputy Director
Disability and Adult Programs Division